

10581334
MEMORANDUM OF OIL AND GAS LEASE 1 - 314394 - 001

3/10-WV

This Memorandum of Oil and Gas Lease made this **12th** day of **November, 2010**, by and between **Hayhurst Company, a Florida Partnership**, of **P.O. Box 5065, Fairmont, WV 26555**, hereinafter collectively called "Lessor," and **Chesapeake Appalachia, L.L.C.**, an Oklahoma limited liability company, P.O. Box 18496, Oklahoma City, Oklahoma 73154-0496, hereinafter called "Lessee."

WITNESSETH

For and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, Lessor did make and execute in favor of Lessee an Oil and Gas Lease dated **November 12, 2010**, and made effective **November 12, 2010**, which provides for a **five (5)** year primary term and an option to renew for an additional **two (2)** year primary term covering Lessor's interest in the following described lands:

Tax Map No: **14-1; 14-1.1; 14-2; 14-3; 14-4; 14-5; 14-6; 14-7; 14-8; 14-9; 14-10**

bounded formerly or currently as follows:

On the North by lands of	JF Crow Estate, et al; Consolidation Coal Company;
On the East by lands of	Fish Creek;
On the South by lands of	George R. Taylor, et ux; Albert & Ruth Warsinsky; Margaret K. Fox;
On the West by lands of	Kenneth Nelson Smertneck, et ux; Nila Jean Frohnapfel;

Containing **94.360** acres and located in the District of **Meade, Marshall County**, State of West Virginia, for the purpose of drilling, operating for, producing and removing oil and gas and all the constituents thereof. Said lands were conveyed to Lessor by virtue of deeds dated **May 3, 2004** and recorded in said County and State in **Deed Book 637**, at Pages **587 and 615**. This Lease may be extended beyond the primary term by certain activities including, without limitation, conducting operations, producing oil or gas, or making prescribed payments. This Lease also grants to Lessee a Right of First Refusal to match any top lease covering the leased premises, which right may be exercised by Lessee within fifteen (15) days after receipt of proper notice from Lessor.

This Memorandum of Oil and Gas Lease is being made and filed for the purpose of giving third parties notice of the existence of the Lease described above. The execution, delivery and recordation of this Memorandum of Oil and Gas Lease shall have no effect upon, and is not intended as an amendment of the terms and conditions of the Lease. It is the intent of the Lessor to lease all of Lessor's interest in and to the properties described herein, whether or not the tracts recited herein are properly described, and further it is understood this lease includes all rights owned by the Lessor in the properties described herein.

IN WITNESS WHEREOF this Memorandum of Oil and Gas Lease is executed as of the date first above written.

WITNESS:

LESSOR:

Jan Pest
 MARSHALL County 11:17:02 AM
 Instrument No 1300161
 Date Recorded 02/16/2011
 Document Type O&G
 Pages Recorded 1
 Book-Page 724-9
 Recording Fee \$5.00
 Additional \$6.00

HAYHURST COMPANY, a FLORIDA PARTNERSHIP

R. L. Hayhurst
R. L. Hayhurst, Managing Partner

WITNESS:

CHESAPEAKE APPALACHIA, L.L.C.
 An Oklahoma limited liability company

By: **Lester A. Zitkus**Its: **Vice President - Land, Eastern Division****ACKNOWLEDGMENT**

STATE OF West Virginia)
) SS:
 COUNTY OF Marion)



On this the 12th day of November, 2010, before me, a notary public, the undersigned authority, personally appeared **R. L. Hayhurst**, acting as **Managing Partner of Hayhurst Company, a Florida Partnership**, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she/they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires: 11/7/2015
 Signature/Notary Public: Aaron R. Yost
 Name/Notary Public (print): Aaron R. Yost

Recorder: Return to Chesapeake Appalachia, L.L.C., Land Dept., P.O. Box 18496, Oklahoma City, Oklahoma 73154-0496.

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, **JAN PEST**, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 12th day of November, 2010, was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 12th day of February, 2011 at 11:17 o'clock A.M.

TESTE: *Jan Pest* Clerk.